

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Ross et al.

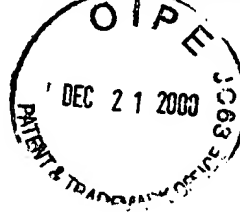
Application No. 09/100,100

Filed: 06/19/98

For: MEDICAL RECORDS,  
DOCUMENTATION, TRACKING  
AND ORDER ENTRY SYSTEM

Art Unit: 2765

Examiner: P. Kanof



*#15*  
*P. Kanof*  
*1-3-01*  
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**DECLARATION OF THE INVENTORS UNDER 37 CFR §1.131**

We, the undersigned, hereby declare the following:

1. We are the named inventors of the above-captioned patent application.

2. We are aware of the following reference, Goltra U.S. Patent 5,802,495 which has been cited by the U.S. Patent and Trademark Office as prior art in rejecting our application under 36 U.S.C. §102(e).

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3. Goltra has a filing date of March 1, 1996.

4. We declare that the actual reduction to practice of the presently claimed invention predates March 1, 1996.

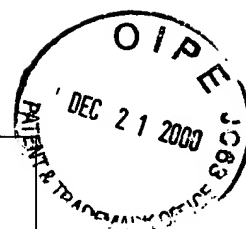
5. We declare that it is our belief that the actual reduction to practice of the presently claimed invention occurred during, or shortly after mid-August, 1995, after commencing and conducting clinical testing of an embodiment of our invention, free of charge, at Southwest General Hospital, 7400 Barlite, San Antonio, TX 78224. Based upon the training and subsequent use of our system by doctors and nurses at Southwest General Hospital, we were able to conclude that indeed the system could be effectively incorporated into an emergency department environment.

6. Exhibit A to this Declaration is a true and accurate copy of a User's Guide for training users of the system embodying the present invention. Exhibit B to this Declaration is a true and accurate copy of a System Manager's Guide for directing a system manager with regard to setting up and maintaining the system embodying the present invention. Both manuals bear a copyright date after the date of reduction to practice. The predecessor documents for each of these guides are unavailable. However, both Guides, to the extent referred to in this declaration to establish an invention date pre-dating the filing date of the Goltra patent, describe an embodiment of the invention, available for demonstration upon request, that existed in August, 1995. A chart, provided herein below, associates each claim element to a particular page (or pages) of the User's Guide or System Manager's Guide that describes the system as it existed in August, 1995.

### Support Chart

Note: UG = User's Guide and SMG = System Manager's Guide

<p>Claim 25</p> <p>A method of medical language generation from data, comprising storing sentences and phrases related to medical data in peripheral CPU's, inputting patient data, transferring patient data to file servers connected to the peripheral CPU's and tabling patient data, transferring the tabled patient data to the CPU's and compiling sentences and paragraphs in the CPU's from the stored sentences and phrases and the patient data, whereby stored medical facts are converted into sentence structure</p>	<p>UG: 218, 72, 76, 78, 81, 87, 93, 99, 102, 105, 111, 116, 121, 124, 126, 127, 132, 134, 135, 141, 142, 145, 148, 149, 151, 154, 156, 157-160, 161, 166, 167, 171, 175, 178, 182-185, 186, 190-193, 200, 205, 207, 261</p>
<p>Claim 26</p> <p>The method of claim 25, further comprising the rearrangement of medical facts in sentence structure into a medically appropriate order.</p>	<p>UG: 11-12 93 figure 3:49 118 figure 3:67</p>
<p>Claim 27</p> <p>The method of claim 26, further comprising the automatic consolidation of automatically generated medical English text with patient-related stored text (such as dictated transcripts).</p>	<p>UG: 11, 12, 28, 78, 80 paragraph 2</p>



Claim 28	
The method of claim 27, further comprises automatic insertion of headlines and sub headlines where appropriate.	UG: any medical record summary as shown on 84, 102, 124 figures 3:44, 3:56, 3:71
Claim 29	
The method of claim 27, further comprises the automatic use of bold, italic, and larger text sizes to emphasize important medical sections or information.	UG: any medical record summary as shown on 84, 102, 124 figures 3:44, 3:56, 3:71
Claim 37	
A method of medical language generation from data, comprising storing sentences and phrases related to medical data in CPU's, inputting patient data, transferring patient data to file servers and tabling patient data, transferring the tabled patient data to the CPU's and compiling sentences and paragraphs in the CPU's from the stored sentences and phrases and the patient data, and thereby converting stored medical patient data into medical facts in sentence structure.	UG: 218, 72, 76, 78, 81, 87, 93, 99, 102, 105, 111, 116, 121, 124, 126, 127, 132, 134, 135, 141, 142, 145, 151, 154, 156, 157-160, 161, 166, 167, 171, 175, 178, 182-185, 186, 190-193, 200, 205, 207, 261
Claim 38	
The method of claim 37, further comprising rearranging the medical facts in sentence structure into a medically appropriate order.	UG: 11-12 93 figure 3:49 118 figure 3:67
Claim 39	
The method of claim 38, further comprising automatically consolidating of automatically consolidating the generated medical text with patient-related stored text and dictated transcripts.	UG: 11, 12, 28, 78, 80 paragraph 2
Claim 40	
The method of claim 39, further comprising automatically inserting headlines and sub headlines in the generated medical text where appropriate.	UG: any medical record summary as shown on 84, 102, 124 figures 3:44, 3:56, 3:71
Claim 41	
The method of claim 40, further comprises automatically using bold, italic, and larger text sizes to emphasize important medical sections or information in the generated medical text.	UG: any medical record summary as shown on 84, 102, 124 figures 3:44, 3:56, 3:71
Claim 42	
A method for computer-aided generation of patient medical documentation assembled from a combination of sources including user supplied text, system supplied pre-phrased text retrieved from a database in accordance with a specified pre-phrased text identifier, and text generated from input medical data facts, said method comprising the	UG: 76, 78, 81 11, 12 118, 124

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<p>steps of:</p> <p>associating multiple pieces of information regarding a patient with a patient medical information record, the multiple pieces of medical information comprising:</p> <p>input text of the type generally arising from transcribed dictation,</p> <p>pre-phrased text retrieved from an electronic data storage apparatus and associated with a pre-phrased text identifier, and</p> <p>medical data facts,</p> <p>wherein inputs relating to the multiple pieces of information regarding the patient are received by a medical information input interface providing random access to at least one of a set of medical information fields associated with the patient medical information record;</p> <p>receiving an identification of a patient medical document type;</p> <p>and</p> <p>generating, by a computer system under software control, a patient medical document based upon at least a portion of the multiple pieces of information regarding the patient and an information specification corresponding to the patient medical document type identification that specifies the portion of the multiple pieces of information to be included in the patient medical document, said generating step comprising, in any order:</p> <p>first inserting the input text at locations within the patient medical document in accordance with a text type associated with each distinguished portion of the input text,</p> <p>second inserting text corresponding to the pre-phrased text retrieved from an electronic data storage apparatus, and</p> <p>third inserting text generated in accordance with the medical data facts.</p>	
<p>Claim 43</p> <p>The method of claim 42 wherein the text generated in accordance with the medical data facts is generated in accordance with a medically logical sequence.</p>	<p>UG: 80, 84</p>
<p>Claim 44</p> <p>The method of claim 42 wherein the step of generating a patient medical document further comprises generating heading text in accordance with the patient medical document type designation.</p>	<p>UG: 84</p>
<p>Claim 45</p> <p>The method of claim 42 wherein the step of generating a patient medical document further comprises arranging the multiple pieces of information regarding the patient in accordance with the medical document type designation.</p>	<p>UG: 65, 218, 224, 261, 262, 264, 27, 174</p>
<p>Claim 46</p> <p>The method of claim 45 wherein the patient medical document is a patient medical report.</p>	<p>UG: 72, 27</p>

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Claim 47	
The method of claim 45 wherein the patient medical document is a triage record.	UG: 27, 65
Claim 48	
The method of claim 45 wherein the patient medical document comprises nurse notes.	UG: 27, 261 (progress notes)
Claim 49	
The method of claim 42 wherein the text generated in accordance with the medical data facts is medical text.	UG: as characterized 84, 90, 96, 102 (best example)
Claim 50	
The method of claim 42 further comprising providing an editing tool to modify specified pre-phrased text.	UG: 78, 79
Claim 51	
The method of claim 42 further comprising providing a set of selectively activated input modules facilitating prompted input of information relating to care for a patient.	UG: 34, 61-65, 68-133
Claim 52	
The method of claim 42 further comprising providing a security mechanism facilitating limiting access to particular users.	SMG: 14, 15, 16 of System Manager's Guide (smaller book)
Claim 53	
The method of claim 42 further comprising recording a time at which a particular piece of information is submitted for a patient medical record.	UG: 232, 234, 261
Claim 54	
The method of claim 53 further comprising recording an identity of a logged on user that supplied a particular piece of information stored in the patient medical information record.	UG: as shown 234, 261

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<p>Claim 55</p> <p>A system for computer-aided generation of patient medical documentation assembled from a combination of sources including user supplied text, system supplied pre-phrased text retrieved from a database in accordance with a specified pre-phrased text identifier, and text generated from input medical data facts, said system comprising:</p> <ul style="list-style-type: none"> <li>computer executable database software for associating multiple pieces of information regarding a patient with a patient medical information record, the multiple pieces of medical information comprising: <ul style="list-style-type: none"> <li>input text of the type generally arising from transcribed dictation,</li> <li>pre-phrased text retrieved from an electronic data storage apparatus and associated with a pre-phrased text identifier, and medical data facts,</li> </ul> </li> <li>wherein inputs relating to the multiple pieces of information regarding the patient are received by a medical information input interface providing random access to at least one of a set of medical information fields associated with the patient medical information record; and</li> <li>computer executable document generation software for receiving an identification of a patient medical document type, and in response generating a patient medical document based upon at least a portion of the multiple pieces of information regarding the patient and an information specification corresponding to the patient medical document type identification that specifies the portion of the multiple pieces of information to be included in the patient medical document, said generating a patient medical document comprising, in any order: <ul style="list-style-type: none"> <li>first inserting the input text at locations within the patient medical document in accordance with a text type associated with each distinguished portion of the input text,</li> <li>second inserting text corresponding to the pre-phrased text retrieved from an electronic data storage apparatus, and</li> <li>third inserting text generated in accordance with the medical data facts.</li> </ul> </li> </ul>	<p>UG: 11, 12, 76, 78, 79, 81, 118, 124, 174, 175</p>
<p>Claim 56</p> <p>The system of claim 55 wherein the computer executable document generation software includes software instructions for arranging the multiple pieces of information regarding the patient in accordance with the medical document type designation.</p>	<p>UG: 76, 78, 79, 118, 124, 132</p>
<p>Claim 57</p> <p>The system of claim 56 wherein the patient medical document is a patient medical report.</p>	<p>UG: 76, 78, 79, 118, 124, 132</p>
<p>Claim 58</p> <p>The system of claim 56 wherein the patient medical document is a triage record.</p>	<p>UG: 61-66</p>

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<p>Claim 59</p> <p>The system of claim 56 wherein the patient medical document comprises nurse notes.</p>	<p>UG: 261</p>
<p>Claim 60</p> <p>The system of claim 55 wherein the text generated in accordance with the medical data facts is medical text.</p>	<p>UG: 105-108</p>
<p>Claim 61</p> <p>The system of claim 55 further comprising an editing software utility facilitating modifying specified pre-phrased text.</p>	<p>UG: 78-79</p>
<p>Claim 62</p> <p>The system of claim 55 further comprising a set of selectively activated input modules facilitating prompted input of information relating to care for a patient.</p>	<p>UG: 34, 61-65, 68-133</p>
<p>Claim 63</p> <p>The system of claim 55 further comprising a security mechanism facilitating limiting access to particular users.</p>	<p>SMG: 14, 15, 16 of System Manager's Guide (small book)</p>
<p>Claim 64</p> <p>The system of claim 63 wherein the security mechanism includes executable software for recording an identity of a logged on user that supplied a particular piece of information stored in the patient medical information record.</p>	<p>UG: 234, 261</p>
<p>Claim 65</p> <p>The system of claim 63 further comprising computer software for recording a time at which a particular piece of information is submitted for a patient medical record.</p>	<p>UG: 232, 234, 261</p>

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7. If requested, we are prepared to provide and demonstrate an embodiment of the claimed system that was in existence, and operational, in August, 1995. An embodiment of a system that existed prior to March 1, 1996 was previously demonstrated during an in-person meeting attended by Dr. Ross, his legal representative James Wray, and the Examiner for the parent patent application (now issued as U.S. Patent 5,823,948).

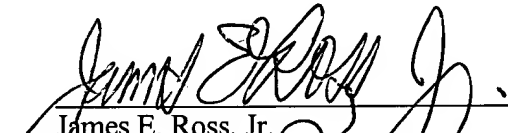
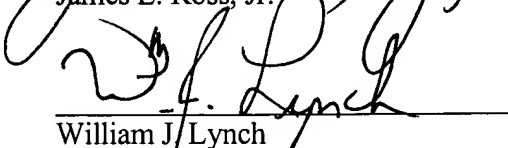
8. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

12/14/2000

Date:

12/15/2000

  
James E. Ross, Jr.  
  
William J. Lynch